IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWELFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.18184 of 2003

AND

CONTEMPT CASE No.113 of 2004

W.P.No.18184 of 2003

Between:

Kanugula Parvathalu, S/o. Late Sialu,
R/o. Plot No. 2, Hasthinapuram (South), Sagar Road, L.B. Nagar Post, Rangareddy District, Hyderabad - 74.

..... PETITIONER

AND

1.The Girijan Cooperative Corporation Limited, Visakhapatnam, rep. by its Vice-Chairman & Managing Director, Visakhapatnam.
2.The Girijan Cooperative Coorporation Limited,Visakhapatnam, rep. by its Divisional Manager (Finance), Visakhapatnam.

.....RESPONDENTS.

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the proceedings of the 1st respondent issued in his proceedings in R.C. No.1245/2003/Admin.9, dated 01.08.2003 as illegal, arbitrary, highhanded, discriminatory and violative of the principles of natural justice apart from violative of the fundamental rights guaranteed to the petitioner under Articles 14 and 21 of the Constitution of India and consequently direct the respondents to pay the terminal benefits of Rs.2,65,953/- (after deducting the VRS advance in a sum of Rs.33,265.50 p. and a sum of Rs.4,589.00 under I.R. Advance from total withheld

amount of Rs.2,90,012.81p.) to which the petitioner entitled with further interest at the rate of 24% per annum.

Counsel for the Petitioner: Mr.V.R.REDDY KOVVURI

Counsel for the Respondents: Mr. N.SRIDHAR REDDY,

STANDING COUNSEL FOR GCC Ltd.,

C.C.No.113 of 2004

Between:

Kanugula Parvathalu, S/o. Late Sialu,
R/o. Plot No. 2, Hasthinapuram (South), Sagar Road, L.B. Nagar Post, Rangareddy District, Hyderabad - 74.

..... PETITIONER

AND

1.A.Vidyasagar, I.A.S., Vice-Chairman & Managing Director,The Girijan Cooperative Corporation Limited, Visakhapatnam,

2.K.Kumaraswamy, Divisional Manager (Finance),The Girijan Cooperative Corporation Limited, Utnoor,

Adilabad Dist. **….RESPONDENTS.**

Contempt Case under Sections 10 and 12 of the Contempt of Courts Act praying that in the circumstances stated in the affidavit filed herein, the High Court may be pleased to punish the respondents under the provisions of Contempt of Courts Act, 1971 for non-implementation of the order of this Hon'ble Court, dated 23-10-2003 made in W.P.M.P.No.22650 of 2003 in W.P.No.18184 of 2003.

COUNSEL FOR THE PETITIONER : Mr. V.R.REDDY KOVVURI.

COUNSEL FOR THE RESPONDENTS : Mr. A.K. JAISWAL.

The Court made the following :

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COMMON ORDER:

Learned counsel appearing for the petitioner as well as the respondents submit that the question raised in this writ petition is squarely covered by the order of this Court in W.P.No.17720 of 2003, dated 19-7-2004 wherein similar proceedings were questioned. While allowing the said writ petition, this Court set aside the proceedings of first respondent dated 1-8-2003 directing recovery of inadmissible deficit amount relating to forest produce from the terminal benefits of the petitioner therein. This Court also observed that having accepted the voluntary retirement of the petitioner and having relieved him from duties on 30-6-2001, the respondents are not empowered to initiate action for recovery of the so called deficit amount and directed the respondents to pay the withheld amount to the petitioner within four weeks.

Following the said order, the impugned order dated 1-8-2003 is set aside. The writ petition is allowed. The respondents are directed to pay the terminal benefits

payable to the petitioner consequent on his retirement within a period of four weeks from the date of receipt of a copy of this order. No order as to costs.

Since the writ petition has been allowed directing the respondents to pay the amount payable to the petitioner, no further orders are necessary in the contempt case.

The contempt case is accordingly closed.

12th August 2004. **(V.ESWARAIAH, J.)**

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To

1.The Girijan Cooperative Corporation Limited, Visakhapatnam, rep. by its Vice-Chairman & Managing Director, Visakhapatnam.
2.The Girijan Cooperative Coorporation Limited,Visakhapatnam, rep. by its Divisional Manager (Finance), Visakhapatnam.

3. Two C.D. copies.